

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
) CRIMINAL NO. 03-10389-PBS
)
)
v.)
)
FRANCISCO RIVERA)

MOTION FOR ENTRY OF JUDGMENT (BY AGREEMENT)

Defendant Francisco Rivera, by his counsel and with the agreement of the United States Attorney and of the United States Probation Office, agrees to entry of judgment as set forth below and submits that there is no need for a formal hearing, now scheduled for September 5, 2007.

As the Court will recall from the hearing held on August 3, 2007, Mr. Rivera had originally been sentenced in July 2004 as a felon in possession to a sentence of 37 months committed. On April 4, 2006, he faced revocation for minor violations, but because he had a long standing drug problem for which he never received treatment in prison and was working (and had turned himself in on the violations), the Court imposed a sentence of time served followed by a placement in a sober house. In February 2007, the problem was again drug use, and this Court imposed five weeks custody and ordered defendant placed at the Lawrence Alternative Center, and then into a sober house.

Pursuant to the Court's Order, Mr. Rivera entered the Lawrence Alternative Center on March 23, 2007 but was discharged

for insubordination after three months, on June 25, 2007, occasioning a revocation notice. However, the view of the Probation Department was that defendant otherwise was doing well, and at the hearing on August 3, 2007 the parties sought to continue the matter for one month, with defendant required to make serious efforts to get a job.

Since the hearing, Mr. Rivera has been in treatment at the Greater Lowell Mental Health Association, and thus there is progress on the treatment front. He has obtained a job and continues to reside at the sober house. For these reasons, the parties agree that the previously-agreed sanction of five-months placement at the sober house is appropriate, effective August 3, 2007, together with substance abuse treatment at the direction of the probation department and a prohibition of alcohol or drug use.

FRANCISCO RIVERA
By his attorney,

/s/ Charles P. McGinty

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing

(NEF) and paper copies will be sent to those indicated as non-registered participants on August 31, 2007.

/s/ Charles P. McGinty

Charles P. McGinty